

## Message Text

CONFIDENTIAL

PAGE 01 STATE 089081  
ORIGIN SS-25

INFO OCT-01 ISO-00 SSO-00 /026 R

DRAFTED BY L - M. B. FELDMAN:JV

APPROVED BY S/AB - D. POPPER

L - H. J. HANSELL

ARA/PAN - R. WYROUGH

H - A. MOSS

S/S - F. WISNER

-----025076 062338Z /61

O 062303Z APR 78

FM SECSTATE WASHDC

TO AMEMBASSY PANAMA IMMEDIATE

C O N F I D E N T I A L STATE 089081

STADIS//////////

EXDIS

E.O. 11652: GDS

TAGS: PBOR, PN

SUBJECT: PANAMA CANAL TREATY IMPLEMENTING AGREEMENTS

REFS: A) STATE 029264, B) PANAMA 00950, C) PANAMA 01630

1. WE HAVE NOT YET DECIDED WHETHER WE SHOULD PROCEED WITH LETTER TO SFRC ON HOW WE PROPOSE TO HANDLE THE CONGRESSIONAL ASPECTS OF THE AGREEMENTS IN IMPLEMENTATION OF ARTS. 3 AND 4 OF THE PANAMA CANAL TREATY. THERE HAS NOT BEEN TO DATE MUCH CONGRESSIONAL INTEREST IN THIS ISSUE, ALTHOUGH WE ANTICIPATE SEVERAL ATTEMPTS TO AMEND OR ENTER RESERVATIONS LIMITING OUR FLEXIBILITY TO CHANGE THESE AGREEMENTS IN THE FUTURE.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 089081

2. FOR CONTINGENT PURPOSES, HOWEVER, WE HAVE DRAFTED THE FOLLOWING LETTER TO SENATOR SPARKMAN AND WOULD APPRECIATE YOUR COMMENTS, STRESSING THAT WE MAY NOT NEED TO USE THIS LETTER AND MIGHT EVEN ALTER OUR APPROACH IF CIRCUMSTANCES SHOULD WARRANT.

BEGIN TEXT: THE DEPARTMENT OF STATE AND OTHER EXECUTIVE

DEPARTMENTS HAVE BEEN CONSIDERING QUESTIONS THAT SEVERAL

SENATORS HAVE RAISED ABOUT THE AGREEMENTS IN IMPLEMENTATION  
OF ARTICLES III AND IV OF THE NEW PANAMA CANAL TREATY.

THESE QUESTIONS DEAL PARTICULARLY WITH POSSIBLE CHANGES,  
AFTER THE TREATY HAS BEEN RATIFIED WITH THE ADVICE AND  
CONSENT OF THE SENATE, IN TWO RESPECTS. THE FIRST CON-  
CERNED PROCEDURAL GUARANTEES ESTABLISHED BY THESE AGREEMENTS  
WITH RESPECT TO CRIMINAL PROCEEDINGS IN THE COURTS OF  
PANAMA. THE SECOND CONCERNED THE MAJOR CANAL OPERATING  
INSTALLATIONS AND MILITARY BASES TO BE MADE AVAILABLE TO  
THE UNITED STATES UNDER THE AGREEMENTS.

THE ADMINISTRATION DOES NOT ENVISAGE THAT THESE AGREEMENTS  
WILL BE CHANGED WITH REGARD TO EITHER OF THESE IMPORTANT  
SUBJECTS. HOWEVER, WE RECOGNIZE THE UNIQUE CIRCUMSTANCES  
OF THIS SITUATION, INCLUDING THE HISTORY OF U.S. STEWARD-  
SHIP OF THE PANAMA CANAL, THE RELATION OF THESE AGREE-  
MENTS TO THE PANAMA CANAL TREATY AND THE FACT THAT THEY  
HAVE BEEN DRAFTED TOGETHER WITH THE TREATY AND ENTER INTO  
FORCE SIMULTANEOUSLY. THEREFORE, THE EXECUTIVE BRANCH  
WOULD NOT OBJECT TO LEGISLATION PROHIBITING ANY SIGNIFICANT  
ALTERATION IN THE PROCEDURAL GUARANTEES AFFORDED BY THE  
AGREEMENTS AND ANY TRANSFER OF ACTIVE CANAL OPERATING  
INSTALLATIONS OR U.S. MILITARY BASE FACILITIES (OTHER THAN  
THOSE TRANSFERS SPECIFICALLY PROGRAMMED IN THE TREATY AND  
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 089081

AGREEMENTS), UNLESS THE CONGRESS HAS BEEN GIVEN NOTICE  
OF THE PROPOSED MODIFICATION AND HAS HAD TIME TO DISAPPROVE  
THE PROPOSED ACTION BY JOINT RESOLUTION.

WE BELIEVE, AND TRUST THAT YOU CONCUR, THAT THIS WOULD  
BE AN APPROPRIATE MEANS OF RESOLVING THE CONCERN ON THIS  
SUBJECT EXPRESSED DURING THE COMMITTEE'S HEARINGS AND  
DURING THE CURRENT SENATE DEBATE.

IT SHOULD BE NOTED THAT THESE AGREEMENTS ARE PATTERNED ON  
THE MANY STATUS-OF-FORCES AGREEMENTS THAT THE UNITED STATES  
HAS WITH FOREIGN GOVERNMENTS. SUCH AGREEMENTS ARE NORMALLY  
CONCLUDED AS EXECUTIVE AGREEMENTS BECAUSE THEY DEAL WITH  
DETAILED TECHNICAL AND ADMINISTRATIVE ARRANGEMENTS WHICH  
OFTEN REQUIRE MODIFICATION FROM TIME TO TIME TO ADJUST  
TO CHANGING CIRCUMSTANCES. THIS NEED FOR FLEXIBILITY IS  
PARTICULARLY TRUE IN THE CASES OF AGREEMENTS OF LONG DURA-  
TION SUCH AS THE AGREEMENTS IN IMPLEMENTATION OF THE PANAMA  
CANAL TREATY. THE ANNEXES TO THESE AGREEMENTS LIST OVER  
200 SPECIFIC AREAS, FACILITIES, EQUIPMENT AND TOOLS TO BE  
MADE AVAILABLE FOR THE USE OF THE UNITED STATES. BASED  
ON U.S. EXPERIENCE AROUND THE WORLD, OUR MILITARY AUTHOR-

ITIES BELIEVE IT IS ESSENTIAL TO HAVE FLEXIBILITY TO MAKE APPROPRIATE ADJUSTMENTS IN THESE ARRANGEMENTS.

WE LOOK FORWARD TO WORKING WITH YOU AND YOUR COLLEAGUES ON THIS MATTER. (END TEXT) VANCE

CONFIDENTIAL

NNN

## Message Attributes

**Automatic Decaptoning:** Z  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** AGREEMENTS, TREATY RATIFICATION, DEPARTMENTAL COMMUNICATIONS, US CONGRESSIONAL HEARINGS, CANALS, AMENDMENTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 06 apr 1978  
**Decaption Date:** 20 Mar 2014  
**Decaption Note:** 25 YEAR REVIEW  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1978STATE089081  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** M. B. FELDMAN:JV  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D780149-0817  
**Format:** TEL  
**From:** STATE  
**Handling Restrictions:**  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1978/newtext/t19780484/aaaactfi.tel  
**Line Count:** 121  
**Litigation Code IDs:**  
**Litigation Codes:**  
**Litigation History:**  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Message ID:** 14b8d4b4-c288-dd11-92da-001cc4696bcc  
**Office:** ORIGIN SS  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** EXDIS, STADIS  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** EXDIS, STADIS  
**Reference:** 78 STATE 29264, 78 PANAMA 950, 78 PANAMA 1630  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 20 jul 2005  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 3049845  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** PANAMA CANAL TREATY IMPLEMENTING AGREEMENTS  
**TAGS:** PBOR, PGOV, PN, US, (VANCE, CYRUS R), (SPARKMAN, JOHN)  
**To:** PANAMA  
**Type:** TE  
**vdkgvwkey:** odbc://SAS/SAS.dbo.SAS\_Docs/14b8d4b4-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014